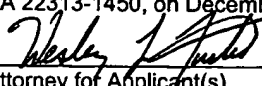


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop 16, Director of U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on December 6th, 2004.


Attorney for Applicant(s)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	09/915,862	Confirmation No.: 7695
Applicant	:	David A. Eatough et al.	
Title	:	SOFTWARE CODE MANAGEMENT METHOD AND APPARATUS	
Filed	:	July 26, 2001	
TC/A.U.	:	2122	
Examiner	:	Michael J. Yigdall	
Docket No.	:	3408.2.17	
Customer No.	:	21552	

Mail Stop 16
Director of U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Dear Sir:

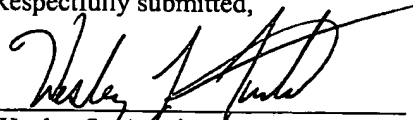
According to the Credit Card Statement dated October 11, 2004, \$860 was charged in connection with the above-referenced case. This amount cleared our American Express card on October 6, 2004 as shown on our Credit Card Statement dated October 11, 2004. A three-month extension of time was filed with this case. However, the Office Action was mailed to the wrong address and the United States Patent and Trademark Office issued a new mailing date, only requiring a one-month extension of time. Accordingly, we request that a refund in the amount of \$435 be applied to the American Express card.

2004 DEC 10 PM 4:47

DIVISION

Should you have any questions regarding this request, please do not hesitate to contact the undersigned.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Wesley L. Austin', is written over a horizontal line.

Wesley L. Austin

Reg. No. 42,273

Attorney for Applicant(s)

Date: December 6, 2004

MADSON & METCALF
Gateway Tower West
15 West South Temple, Suite 900
Salt Lake City, Utah 84101
Telephone: 801/537-1700

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MADSON & METCALF

Account Number
3783-658773-55009

Closing Date
10/11/04

Page 1 of 14

Previous Balance \$	Payments/Credits \$	New Charges \$	New Balance \$
48,116.45	-48,458.86	53,808.06	53,465.65

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Cardmember Snapshot

Cardmember Name	Card Number	Total Payments/Credits \$	Total New Charges \$
L CRAIG METCALF	3783-658773-55009	-48,116.45	12,275.97
CRAIG J MADSON	3783-658773-53012	0.00	9,426.66
EVAN R WITT	3783-658773-51032	0.00	13,958.83
LOREN R HULSE	3783-658773-52162	0.00	1,363.27
ROBERT S RAPP	3783-658773-51222	-267.41	964.99
WESLEY L AUSTIN	3783-658773-52238	0.00	12,329.93
THOMAS M HARDMAN	3783-658773-51255	0.00	1,047.50
KYLE W GRIMSHAW	3783-658773-51263	0.00	1,549.74
MATTHEW S BETARDS	3783-658773-51271	-75.00	304.20
RICHARD K CHANG	3783-658773-51297	0.00	586.97
Total		-48,458.86	53,808.06

Activity

* Indicates posting date

New Activity for L CRAIG METCALF

Card 1000X-1000003-55009

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	Description Price		
	RAIL TRAVEL 47.00		
09/11/04	TFL (MFM) - BOND STREET UNITED KINGDOM RAIL TICKETS	40.40 Pounds Sterling	73.70

pd 10/27/04 (17934)

Continued on Page 3

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09/17/04	DELTA AIR LINES LONDON GB	Carrier: DL	Class: LK	
	From: LONDON GATWICK UK	To: CINCINNATI OH		
		SALT LAKE CITY UT	DL	LK
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	Passenger Name: METCALF/L CRAIG			
	Document Type: ADDITIONAL COLLECTION			
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	From: LONDON GATWICK UK	To: CINCINNATI OH		
		SALT LAKE CITY UT	DL	LK
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	Passenger Name: METCALF/DENISE H			
	Document Type: ADDITIONAL COLLECTION			
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	ACCORDING TO RECEIPT NO: 03804			
09/22/04	US PATENT TRADEMARK 703-305-4631 VA			1,238.00
	GOVERNMENT SERVICES			

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Prepared For
L CRAIG METCALF
MADSON & METCALF

Account Number
XXXX-XXXXXX3-55009

Page 8 of 14

Prepared For
L CRAIG
MADSON

New Activity Continued

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	EATING PLACES RESTAURA				
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	GOVERNMENT SERVICES				
09/13/04	US PATENT TRADEMARK 703-305-4631	VA			
	GOVERNMENT SERVICES				
09/14/04	DELL MARKKETING L.P.AUSTIN	TX			
	COMPUTER PRODUCTS 84101				
09/14/04	BUYCOMP LLC WWW.BUY.COM	CA			Firm
	COMPUTER HARDWARE/SFTWRE				
09/15/04	AUTODEBIT MIAMISBURG	OH			Firm ? Jessamy, can you find out what this was?
	ONLINEPUBLSH				
	LEXIS-NEXIS0408243707				
09/15/04	US PATENT TRADEMARK 703-305-4631	VA			Firm
	GOVERNMENT SERVICES				
09/16/04	GANDOLFO'S NEW YORK SALT LAKE CIT	UT			
	GENERAL				
09/16/04	MIKADO RESTAURANT HOLIDAY	UT			Firm
	EATING PLACE RESTAURANT				
	FOOD-BEV	39.06			
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	GOVERNMENT SERVICES				
09/25/04	VZWRLSS VZSERVE 800-350-2830	NJ			
	INT BILL PAY				
09/27/04	GANDOLFO'S NEW YORK SALT LAKE CIT	UT			Firm
	GENERAL				
09/30/04	US PATENT TRADEMARK 703-305-4631	VA			P/E
	GOVERNMENT SERVICES				
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	FOOD/BEVERAGE				
	FOOD/BEV	16.88			P/E
	WAITER	3.00			
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	FOOD/BEV				
10/04/04	HARD ROCK HOTEL PINKLAS VEGAS	NV			P/E
	FOOD AND BEVERAGE				
	FOOD-BEV	21.18			P/E
	TIP	4.20			
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	FOOD/BEVERAGE				
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	TIP	3.50			
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	GOVERNMENT SERVICES				
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	LODGING CHRGS				
Total of New Activity for WESLEY L AUSTIN					Firm Mktg lunch
					148.70

New Activity for THOMAS M HARDMAN

Card XXXX-XXXXXX3-51255

New Charges
Payments/Credits

09/15/04	CIRCUIT CTY #4428ARMORE	OK			
	ELECTRONICS/APPLIANCES				
09/19/04	T-MOBILE 800-937-8997	WA			Firm-Computers (monitor)
	T-MOBILE				
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					12,329.93
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/915,862

07/26/2001

David A. Eatough

884.495US1

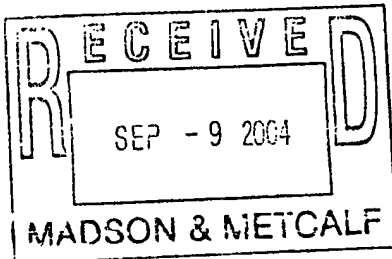
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21552

7590

09/07/2004

MADSON & METCALF
GATEWAY TOWER WEST
SUITE 900
15 WEST SOUTH TEMPLE
SALT LAKE CITY, UT 84101



EXAMINER

YIGDALL, MICHAEL J

ART UNIT

PAPER NUMBER

2122

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

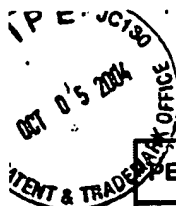
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PTO/SB/22 (08-03)

Approved for use through 7/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) 3408.2.17
In re Application of David A. Eatough		
Application Number 09/915,862	Filed July 26, 2001	
For SOFTWARE CODE MANAGEMENT METHOD AND APPARATUS		
Group Art Unit 2122	Examiner Michael J. Yigdal	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1))
- ☐ Two months (37 CFR 1.17(a)(2))
- ☒ Three months (37 CFR 1.17(a)(3)) \$ 950.00
- ☐ Four months (37 CFR 1.17(a)(4))
- ☐ Five months (37 CFR 1.17(a)(5))
- ☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 475.00.
- ☐ A check in the amount of the fee is enclosed.
- ☒ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Commissioner is hereby authorized to charge any underpayment of the above fees, or credit any overpayment, to Deposit Account Number 13-0763.

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a). ____

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

September 30, 2004

Date

(801) 537-1700

Telephone Number

Signature

Wesley L. Austin

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.138(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and selection option 2.

Adjustment date: 01/12/2005 EEKURAY1
10/06/2004 CCHAU1 00000664 09915862
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Refund Ref:
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